

Appln. No. 10/707,993  
Docket No. 144213/GEM-0099

## REMARKS / ARGUMENTS

### Status of Claims

Claims 1 and 3-22 are pending in the application. Of the pending claims, Claims 16-19 and 22 have been withdrawn from consideration as being directed to a non-elected invention. Claims 1, 3-15 and 20-21 are allowed.

Applicant has canceled all claims not allowed, thereby leaving only allowed Claims 1, 3-15 and 20-21 for consideration upon entry of the present Amendment.

### Ex Parte Quayle Action and Formal Matters Relating to Non-Elected Invention

The Examiner remarks in Paper No. 20070122, page 2, that the earlier made restriction requirement is deemed proper and therefore final.

The Examiner further remarks in Paper No. 20070723, page 2, that Applicant's attempt to amend the claims to overcome the restriction requirement was not persuasive.

Accordingly, Applicant considers the restriction requirement to still be deemed proper and final.

As such, Applicant makes note that the record clearly shows that the non-elected claims are considered by the Examiner to be patentably distinct from the elected claims. If the Examiner disagrees with this outcome, Applicant respectfully requests reopening of the prosecution to clear the record. If the Examiner agrees with this outcome by issuing a notice of allowance, Applicant reserves the right to file continuation/divisional applications to the non-elected patentably distinct claims.

To advance this case to allowance, Applicant herein cancels all claims not allowed, leaving only allowed claims pending.

In view of the foregoing, Applicant submits that Claims 1, 3-15 and 20-21 remain allowable and respectfully requests notice of allowance thereof.

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If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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